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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/082, 044 05/20/98 SHAH

N SHAH-11

EXAMINER

TM02/0227

DTNH, K

ART UNIT

PAPER NUMBER

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2155

DATE MAILED:

02/27/01

*12*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/082,044</b>	Applicant(s) <b>Shad</b>
	Examiner <b>Dinh Khanh</b>	Group Art Unit <b>2155</b>

Responsive to communication(s) filed on Dec 11, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1, 3-8, 10-15, and 17-21 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 3-8, 10-15, and 17-21 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2155

### **DETAILED ACTION**

1. This is in response to the Amendment filed on 12/11/2000. Claims 1, 3-7, 9-15 and 17-21 are presented for examination.

### **REASSIGNMENT AFFECTING APPLICATION LOCATION**

2. The Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further corresponding regrading this application should be directed to *Art Unit 2155*.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-7, 10, 12-14, 17, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner US pat. No.6,003,030 in view of Wada et al US pat. No.5,845,079.

As to claim 1, Kenner discloses a system for communicating with the Internet comprising:  
a mirror site (32 fig.1) couplable to a network (10 fig.1) that contains a time-delay copy of data presented at a site (i.e., downloading data to the delivery site file and then transmitting data to another site, see abstract, fig.1, col.5 lines 12-65 and col.6 line 49 to col.7 line 48).

Art Unit: 2155

Kenner does not specifically disclose a communication manager that manages communication with site based on determination when the site is the mobile site. However, Wada discloses a communication manager (communication control unit 4 of fig.2 and fig.3) that manages communication with site based on determination when the site is the mobile site, either to said mobile site when said mobile site is available in a wireless communication with the network or the mobile site is out of wireless communication with said communication network (stationary or mobile ones, see fig.1, 2 and col.11 line 25 to col.12 line 42, col.13 lines 4-54).

an address parser (migration post transmission unit, 27 of fig.2) that makes a determination of whether said site is a mobile site or a fixed site (see abstract, figs. 2 and 6, col.16 line 32 to col.17 line 45, col.18 lines 16-54 and col.27 lines 17-43).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize a communication manager and an address parser as taught by Wada into the system of Kenner because it would have enabled the mobile nodes and the stationary nodes to communicate continuously and quickly across the network (see Wada's summary).

As to claim 3, the Kenner-Wada combination discloses that communications manager prompts said site to update said mirror (see Wada's abstract and col.39 lines 28-65 and Kenner's col.7 lines 5-49).

Art Unit: 2155

As to claim 5, Wada further discloses that the address parser makes said determination of whether said site is said mobile site from a top level domain name of said site (i.e., using Virtual Internet Protocol and Physical Internet Protocol as a header of the packet as it transmits a packet to a mobile node) ( see col.1 line 51 to col.2 line 23).

As to claim 6, Wada further discloses that the communications manager acknowledges said communications to said mobile site (see col.2 lines 9-23 and col.11 lines 25-62).

As to claim 7, Wada discloses that the communications manager are associated with the Internet (see Wada's col.1 line 57 to col.2 line 9).

Claims 8, 10 and 12-14 are rejected for the same reasons set forth in claims 1, 3 and 5-7 respectively.

Claim 15 is rejected for the same reasons set forth in claim 1 with the combination of Wada and Kenner. As to the added limitations, Wada further discloses:

a plurality of fixed sites having fixed-site domain names associated with the stationary host (12 of fig.6 and figs .11).

a plurality of mobile sites having mobile-site domain names associated with the mobile host (mobile host 11 of fig.6 and figs.11).

Art Unit: 2155

a communications infrastructure (13 of fig.6) that couples ones of said pluralities of fixed and mobile sites for communication.

Claims 17 and 19-21 are rejected for the same reasons set forth in claims 1, 3 and 5-7 respectively.

5. Claims 4, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner and Wada as applied to claim 1 above, and further in view of Adiwoso et al US pat. No.5,963,862.

As to claim 4, Kenner and Wada's teachings still applied as in item 3 above. Neither Kenner nor Wada discloses that communications manager buffers said communications to accommodate lower bandwidth when said site is a mobile site. However, the step of buffering communications to accommodate lower bandwidth is generally well known in the art as disclosed by Adiwoso (see abstract, fig.3, col.8 line 66 to col.9 line 44). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Adiwoso's teaching into the system of Wada because it would have enabled users to control access links faster.

Claims 11 and 18 are rejected for the same reasons set forth in claim 4.

Art Unit: 2155

***Response to Arguments***

6. Applicant's arguments filed on 12/11/2000 (paper #11) have been fully considered but they are not persuasive.

\* Applicant asserted that Kenner does not disclose an address parser to determine whether a site is a fixed or mobile site and downloading from the mirror site is unavailable.

*Applicant made an error in this assertion. In the last Office Action (paper #10, mailed on 8/29/2000), Examiner does not cite Kenner for teaching these limitations.*

\* Applicant further asserted that Kenner does not disclose a mirror site that contains a time-delayed copy of data.

*Examiner respectfully disagree. Kenner discloses a mirror site that contains a time-delayed copy of data (i.e., downloading data to the delivery site file and then transmitting data to another site, see abstract, fig.1, col.5 lines 12-65 and col.6 line 49 to col.7 line 48).*

\* Applicant further asserted that Wada does not disclose a mirror site.

*Applicant again made an error in this assertion. In the last Office Action (paper #10, mailed on 8/29/2000), Examiner does not cite Wada for teaching the limitation.*

\* Applicant further asserted that Wada does not disclose a communication manager that direct communication to the mobile site when the mobile site is available or to a mobile site when the mobile site is unavailable.

Art Unit: 2155

*The combination of Kenner and Wada discloses a communication manager that direct communication to the mobile site when the mobile site is available or to a mobile site when the mobile site is unavailable as rejected above ( see fig.1, 2 and col.11 line 25 to col.12 line 42, col.13 lines 4-54).*

*\* In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have enabled the mobile nodes and the stationary nodes to communicate continuously and quickly across the network (see Wada's summary).*

### ***Conclusion***

7. Claims 1, 3-8, 10-15 and 17-21 are **rejected**.
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2155

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh, can be reached on (703) 305-9648. The fax phone number for this group is (703) 305-7201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh  
Patent Examiner  
Art Unit 2155  
2/22/2001



AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
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